

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA

-v-

No. 03-CR-595-LTS

AMBIORIX FRIAS,

Defendant.

-----x
ORDER

On December 4, 2018, Defendant filed a “motion to reconsider 28 U.S.C. 2241 pursuant to Fed. R. Civ. P. 59(e)” (Docket Entry No. 50), which the Court construes as a motion to reconsider its November 14, 2018, Order denying Defendant’s motion for nunc pro tunc designation (Docket Entry No. 49). The Court has reviewed carefully Defendant’s motion, and concludes that Defendant has neither identified “controlling decisions or data that the court overlooked” in considering his motion for nunc pro tunc designation, Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995), nor has he identified any “intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice,” Virgin Atl. Airways, Ltd. v. Nat’l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992). Because Defendant has failed to demonstrate that reconsideration is warranted in his case, his motion for reconsideration is denied.

This Order resolves Docket Entry No. 50.

SO ORDERED.

Dated: New York, New York
December 12, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

A copy of this Order has been mailed to:

Mr. Ambiorix Frias
#55161-054
U.S. Penitentiary – Canaan
P.O. Box 300
Waymart, PA 18472